

Notice of Allowability

Application No.

10/708,837

Examiner

Daniel I. Walsh

Applicant(s)

BEENAU ET AL.

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7-16-07.
2. ☒ The allowed claim(s) is/are 1,3-5,10,13,15-17 and 37-48.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ~~8-07~~ 8/22/07
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 8-07.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

1. Receipt is acknowledged of the IDS received on 8-22-07, Terminal Disclaimer on 8-23-07 and 8-31-07, and Amendment on 7-16-07.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Howard Sobelman on 8-23-07.

The application has been amended as follows:

Replace claim 1 with:

1. A transponder-reader transaction system configured with a biometric security device, said system comprising: a first transponder responsive to a first RF interrogation signal from a reader in communication with said system; a second transponder physically in a same fob as, and associated with, said first transponder and responsive to a second RF interrogation signal, said first RF interrogation signal responding to distinct frequencies from said second RF interrogation signal; a transponder system authentication circuit in communication with at least one of said first transponder and said second transponder, said transponder system authentication circuit configured to authenticate at least one of said first RF interrogation signal

and said second RF interrogation signal; a biometric sensor configured to detect a first proffered biometric sample and a second proffered biometric sample, wherein said first proffered biometric sample and said second proffered biometric sample are from the same person, and wherein said first proffered biometric sample is different than said second proffered biometric sample, said biometric sensor configured as a switch to communicate with said system to selectively facilitate control of an order of operation of said first transponder and said second transponder; a verification device configured to verify said first proffered biometric sample and said second proffered biometric sample to facilitate a payment transaction; and, said reader configured to provide a first radio frequency (RF) interrogation signal for powering a transponder system, to receive a transponder system RF signal, and to communicate transponder system account data related to said transponder system RF signal to a merchant system, said reader including, a first interrogator for providing said first RF interrogation signal; said transponder system authentication circuit comprising a reader authentication circuit in communication with said first interrogator for authenticating said transponder system RF signal; an RFID reader database for storing RFID reader data, said reader database in communication with said reader authentication circuit; an RFID reader protocol/sequence controller in communication with at least one of said first interrogator, said reader authentication circuit, and said reader database, said reader protocol/sequence controller configured to facilitate control of an order of operation of said first interrogator, said reader authentication circuit, and said reader database; and an RFID reader communications interface configured to communicate with said merchant system, said reader communications interface configured to provide said transponder system account data, wherein said transponder system is configured to receive said first RF

interrogation signal, to authenticate said first RF interrogation signal, and to transmit said transponder system account data, said transponder system further comprising: a first transponder responsive to said first RF interrogation signal; a transponder system authentication circuit in communication with said first transponder, said transponder system authentication circuit configured to authenticate said first RF interrogation signal; a transponder system database for storing said transponder system account data, said transponder system database in communication with said transponder system authentication circuit; and a transponder system protocol/sequence controller in communication with at least one of said first transponder, said transponder system authentication circuit, and said transponder system database, said transponder system protocol/sequence controller configured to control the order of operation of said first transponder, said transponder system authentication circuit, and said transponder system database, wherein said transponder system protocol/sequence controller is configured to activate said transponder system authentication circuit in response to said first RF interrogation signal having an RFID reader authentication code, said transponder system authentication circuit configured to encrypt said reader authentication code to provide an encrypted RFID reader authentication code, said transponder system authentication circuit configured to provide said encrypted RFID reader authentication code to said first transponder for providing to said reader, wherein said reader is configured to receive said encrypted RFID reader authentication code, and wherein said reader protocol/sequence controller is configured to activate said reader authentication circuit in response to said encrypted RFID reader authentication code, wherein said reader database is configured to provide a transponder system decryption security key to said reader authentication circuit in response to said encrypted RFID reader authentication code,

said transponder system decryption security key for use in decrypting said encrypted RFID reader authentication code to form a decrypted RFID reader authentication code, said transponder system decryption security key provided to said reader based on an unique transponder identification code, wherein said reader authentication circuit is configured to compare said decrypted RFID reader authentication code and said reader authentication code to determine whether a match exists, and wherein said reader protocol/sequence controller is configured to activate said reader communications interface where said reader authentication circuit matches said decrypted RFID reader authentication code and said reader authentication code.

Cancel claims 2, 6-9, 11, 12, 14, and 18-36.

Allowable Subject Matter

2. Claims 1, 3-5, 10, 13, 15-17, and 37-48 are allowed.
3. The following is an examiner's statement of reasons for allowance: The prior art of record fails to teach the limitations of the independent claim, including the claimed limitations regarding the reader configured to provide a first RF interrogation signal (last clause of claim 1).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

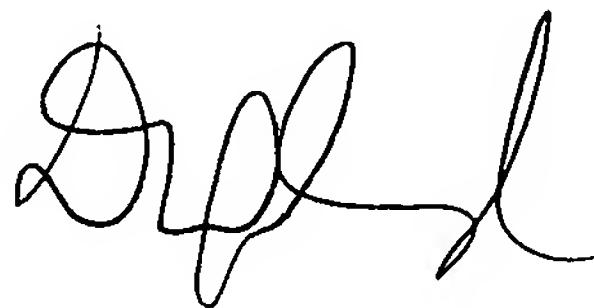
Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel I. Walsh whose telephone number is (571) 272-2409. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daniel I Walsh
Examiner
Art Unit 2876

A handwritten signature in black ink, appearing to read 'D. Walsh', with a stylized, cursive script.

DANIEL WALSH
PRIMARY EXAMINER